Exhibit A

CURRICULUM VITAE

Name: Paul Lyn Rodney ANDREWS

Date of birth: 30th March 1953

QUALIFICATIONS

1974 University of Sheffield
1st Class Honours BSc, Physiology

March 1979 PhD University of Sheffield
'The Vagal Control of the Gastro-intestinal Tract'

CAREER

1974 MRC Research Studentship
(Supervisor Prof T Scratcherd)
Department of Physiology, University of Sheffield

Feb 1976 Temporary Lecturer
Department of Physiology, University of Sheffield

Jan 1980 Lecturer
Department of Physiology, Medical School, University of Edinburgh

Oct 1983 Lecturer
Department of Physiology, St George's Hospital Medical School, London

March 1987 Senior Lecturer
Department of Physiology, St George's Hospital Medical School, London

October 1991 Reader in Physiology
Department of Physiology, St George's Hospital Medical School, London
SW17 0RE
Tel: 020 8725 5369
Fax: 020 8725 2993
E-mail: pandrews@sghms.ac.uk

Exhibit B

Paul Andrews, PhD
St. George's Hospital Medical School
London, UK

Meeting Agenda
Monday, 12 March 2001

ABT-594 Discussion

Attendees: Marleen Verlinden, James Sullivan, Michael Meyer, Kennan Marsh, Walid Awni, Mark Osinski, Bryan Cox, Rick Granneman, Sandeep Dutta, David Morris, James Thomas, Michael Biarnesen, Aldona Matalonis, Bruce McCarthy

8:30 am – 9:45 am	ABT-594 Review: Preclinical Data Clinical Data	 Mike Meyer Bruce McCarthy
9:45 am – 10:00 am	Break	
10:00 am – 10:30 am	Paul Andrews' Presentation Mechanisms of ABT-594 Induced Emesis	 Paul Andrews
10:30 am – 11:30 am	Discussion: Mechanism Hypothesis Generation Experiments Proposed Next Steps	
11:30 am – 12:30 pm	Lunch	

Dexmedetomidine Discussion

Attendees: Marleen Verlinden, James Sullivan, Kennan Marsh, Bryan Cox, Mila Etropolski, Charles McLeskey, Michael Karol, Steven Buckner, Bruce McCarthy

12:30 pm – 1:45 pm	Dexmedetomidine Review: Preclinical Data Clinical Data	 Jim Sullivan Mila Etropolski
1:45 pm – 2:00 pm	Break	
2:00 pm – 4:00 pm	Discussion: Separation of Analgesics and CNS Effects	

ABT-594 Questions for Paul Andrews

1. Describe the known pathways of emesis. Describe the mechanisms by which existing pharmacologies induce emesis or inhibit emesis. What is meant by a "local" vs. "central" mechanism of drug-induced emesis? Are these distinctions important? If so, why? How can the different sites of drug-induced emesis be dissected (either via animal or human experimentation)? What is the effect of a full stomach ("fed" vs. "fasted" state) on the likelihood of emesis on exposure to an emetogenic drug? How does this fed or fasted effect vary by site of drug action (local vs. central)? For drugs that induce emesis via central mechanisms, does a fed stomach alter the gain on emetic sensitivity? For drugs that induce emesis via local mechanisms, is the effect of a fed stomach purely volumetric or mechanical or is there a similar effect on the sensitivity of the system?

2. Describe the predictive value of the ferret model, including the profiles of known pharmacologies in the model. Describe the predictive value of the various portions of a dose response curve in the ferret model: what is the value of a no-emesis level, an ED_{50}, ED_{90}, etc, in predicting the emetic liability in humans? In addition, describe the model in terms of predicting efficacy of various classes of anti-emetic drugs against a particular class of pro-emetic drugs. What are your impressions about the model's predictive value given the across species comparison for the efficacy component (emetic liability as judged by ferrets, efficacy in rats)? What other models are available and what are the relative merits?

2. Hypothesize the mechanism or mechanisms (including molecular target, anatomical sites of action, and molecular and physiological effects) of ABT-594-induced nausea and emesis. Describe animal and human experiments that would prove any hypothesis. Which drug classes might be expected to ameliorate ABT-594-induced emesis? What mechanisms may explain tolerance over time to the emetic effect of ABT-594? Discuss the possible role of the pharmacodynamic effect of ABT-594-induced emesis: what is the meaning of relationship of Tmax, Cmax and rate of rise to emetic effect.

Dexmedetomidine Questions for Paul Andrews

1. What is the level of separation between dexmedetomidine-associated analgesia and sedation, as suggested by animal models? How might animal models confound the two effects? If confounded, how might the two effects be discriminated? What is the level of separation between dexmedetomidine-associated analgesia and cardiovascular effects, as suggested by animal models?

CURRICULUM VITAE

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October 1991 Reader in Physiology
Department of Physiology, St George's Hospital Medical School, London
SW17 0RE
Tel: 020 8725 5369
Fax: 020 8725 2993
E-mail: pandrews@sghms.ac.uk

Visiting scholar

Department of Pharmacology, University of Sydney - April 1992.

Awards

1989 Pfizer Academic Award for "Studies which have furthered our understanding of the nervous control of gut function".

1993 Students Prize for "Best Organised Pre-clinical Course" (Alimentary System). First Year Prize awarded.

1995 Students Prize for "Best Organised Pre-clinical Course" (Alimentary System).

1995 Students Prize for "Best Pre-clinical Teacher".

2000 Students Prize for "Best First Year Course" (Alimentary I).

GENERAL EXPERIENCE

Symposia and Workshop Organisation

Co-organiser (with Professor J G Widdicombe) of a Physiological Society symposium on "The Pathophysiology of Gut and Airways". November 1989.

Organiser of workshop at Brain Research Association meeting: The autonomic nervous system: an outmoded concept? Held in Bristol, March 1990.

Co-organiser (with Dr M A Pilot) of an IUPS Workshop on "Pathophysiology of Serotonergic Systems". Glasgow, August 1993.

Co-organiser (with Dr C J Davis and Dr J Reynolds) of International Symposium on "Serotonin and the control of emesis: a decade of progress?". Oxford, March 1995.

Co-organiser (with Prof J Z Young) of Symposium on "Comparative Physiology of Vomiting" at International Congress of Comparative Physiology and Biochemistry Birmingham, August 1995.

Organising Committee Motion Sickness - Human and medical factors. Spain, May 1997.

Chair of Programme Committee of International Society of Autonomic Neuroscience Symposium London, July 2000.

International/National Committees/Working Groups

Executive Committee of the International Society for Autonomic Neuroscience (1997-2000).

Basic Science Brain Gut Sub-Committee (Chair: Prof M Costa) of the multi-national working team to develop diagnostic criteria for functional gastrointestinal disorders (Rome II).

Corticosteroid Working Group of European Association for Palliative Care.

Cancer Fatigue Forum.

Adviser to Cyclic Vomiting Syndrome Association.

Physiological Society

Convenor Gastrointestinal Tract Special Interest Group (from Sept 1997).

Editorial Board

Associate Editor, Journal of The Autonomic Nervous System (June 1995 – December 2000).). This position involves running the largest of the five editorial offices around the world. I deal with approximately 60 manuscripts/year.

Member of the Editorial Board of the Journal of Neurogastroenterology and Motility (from 1989).

Current Opinion in Central and Peripheral Nervous System Investigational Drugs.

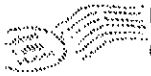
Reviewing

Reviewer for 3 years for Gastric Motility section of Current Opinion in Gastroenterology.

I have reviewed manuscripts for Journal of Physiology, Journal of Neuroscience Methods, Neuropharmacology, Quarterly Journal of Physiology, Journal of Psychosomatic Research, Asia and Pacific Journal of Pharmacology, the British Journal of Pharmacology, the Journal of the Autonomic Nervous System, the European Journal of Pharmacology, Archives Internationales de Pharmacodynamie et de Therapie, International Journal of Obesity, Journal of Pharmacology and Experimental Therapeutics, Comparative and General Endocrinology, Australian Drug Information Service, Cancer Chemotherapy and Pharmacology, Clinical Autonomic Research, Neuroscience Letters, Gut, European Journal of Cancer, American Journal of Physiology, Canadian Journal of Zoology, Journal of the Marine Biological Association.

I have also reviewed grant applications for the Medical Research Council, Wellcome Trust, Cancer Research Campaign and Hong Kong Research Council.

Exhibit C



Bruce McCarthy
02/28/2001 02:11 PM

To: pandrews@sghms.ac.uk
cc:
Subject: Re: abbott visit

Will call you tomorrow, but I apogize to have sent our formidable legal language! The meeting planned is as we have discussed: an informal session in which members of our team would present info and we would discuss the issues and propose a way forward. For ABT-594, the scope is the separation of emesis and efficacy. The only "presentation" we would be looking for would be in the form of your consolidated thoughts on the materials forwarded and to the questions sent in advance(which I have failed to forward!! I will do so in the next several days...apologies!!). I had asked our legal and contracts department to throw together an agreement that would address the activities we've discussed and the payment of the fee and I was told this was typical (I agree...we have had other guests with no agreement beyond a confidentiality agreement..our new contract department has been generating more elaborate agreements of late). There is an alternative agreement (a consulting agreement), but I fear that most of the verbage will be similar.
Again, I will contact you tomorrow to discuss and make sure that things go smoothly from your perspective.
Bruce.
pandrews@sghms.ac.uk on 02/28/2001 10:27:39 AM

pandrews@sghms.ac.uk on 02/28/2001 10:27:39 AM

To: bruce.mccarthy@abbott.com
cc:
Subject: Re: abbott visit

Dear Dr MaCarthy,
Thank you for the fax of the agreement for discussion. I am unable to recall having to sign such an agreement for a single day of consultancy. The confidentiality agreement is usually enough.The agreement is written in such legal jargon that I am really unsure exactly what I would be signing particularly in section 5. I have neither the time nor resources to seek a legal opinion. Section 3 is already breached as my secretary knows that I am coming to Abbott to consult

I appreciate that some sort of agreement may be needed in the US but does it have to be so complex?

With regard to the visit itself I note that you have included presentation of a seminar. I was under the impression that we were to have discussions of the documentation you provided. I was certainly not expecting to have to present a strategy seminar on the large volume of material that I will only have completed reading by the time I arrive. It is also difficut to design a strategy "in vacuo", without the input from your researchers. I agreed to visit at short notice and changed meetings here to do so. As a result I simply do not have time to prepare such a seminar taking into account my committments here. I spent last weekend reading the information on ABT594 and will spend next weekend reading

the dexmetomidine files. From earlier communications I was expecting a list of questions for discussion so I can focus on particular aspects.

Please let me know how you would like to procede. I am still committed to coming and looking forward to discussing the material.

With best wishes,

Yours sincerely,

Paul Andrews

Exhibit D

Bruce McCarthy
02/26/2001 10:12 AM

To: Marleen H Verlinden/LAKE/PPRD/ABBOTT@ABBOTT, James Sullivan/LAKE/PPRD/ABBOTT@ABBOTT, Michael D Meyer/LAKE/PPRD/ABBOTT@ABBOTT, Kennan C Marsh/LAKE/PPRD/ABBOTT@ABBOTT, Walid Awni/LAKE/PPRD/ABBOTT@ABBOTT, Mark A Osinski/LAKE/PPRD/ABBOTT@ABBOTT, Bryan F Cox/LAKE/PPRD/ABBOTT@ABBOTT, Richard G Granneman/LAKE/PPRD/ABBOTT@ABBOTT, Sandeep Dutta/LAKE/PPRD/ABBOTT@ABBOTT, David D Morris/LAKE/PPRD/ABBOTT@ABBOTT, James W Thomas/LAKE/PPRD/ABBOTT@ABBOTT, Michael K Biarnesen/LAKE/PPRD/ABBOTT@ABBOTT
cc:
Subject: ABT-594 Guest Speaker and Discussion

Paul Andrews, PhD
Department of Physiology
St. George's Hospital Medical School
London, UK

On March 12, 2001, Paul Andrews, PhD, will be joining us for a discussion of ABT-594's tolerability issues, especially the emetic liability.

Please attend the discussion from 8:30 a.m. - 11:30 a.m. and join us for lunch from 11:30 a.m. - 12:30 p.m.

A calendar invitation and agenda will be sent to you soon Dr. Andrews' curriculum vitae is attached (for internal circulation only).

Bruce McCarthy
Marleen Verlinden

Exhibit E

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY, and MANULIFE INSURANCE COMPANY (f/k/a INVESTORS PARTNER INSURANCE COMPANY),

Plaintiffs,

vs Civil Action No. 05-11150-DPW

ABBOTT LABORATORIES,

Defendant.

_____/

DEPONENT: BRUCE GERALD MCCARTHY, M.D.

DATE: Friday, September 29, 2006

TIME: 9:00 a.m.

LOCATION: 350 South Main Street, Suite 400
Ann Arbor, Michigan

REPORTER: Angela E. Broccardo, CSR 4679

Ann Arbor, Michigan

Friday, September 29, 2006

9:00 a.m.

* * *

BRUCE GERALD MCCARTHY, M.D.,

having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. DAVIS:

Q. Good morning.

A. Good morning.

Q. Dr. McCarthy, my name is Brian Davis. I'm an attorney representing John Hancock in litigation with Abbott Labs involving the research funding agreement that the parties entered into back in March of 2001.

I'm going to ask you a series of questions here today. If at any point in time you don't understand any of my questions, please just say so, and I'll try to rephrase them and make them clear. Do you understand that?

A. Yes.

Q. And if you respond to my questions, I'm going to assume that you understood them. Is that fair?

A. Yes.

A. Not that we knew were related to 594.
Q. You knew there had been tolerability issues during the course of that trial?
MR. PHILLIPS: Objection.
THE WITNESS: Yes.
BY MR. DAVIS:
Q. And adverse events associated with nausea, vomiting and dizziness?
A. Yes.
Q. At that point in time you just didn't have the unblinded data; correct?
A. Correct.
(Marked for identification Deposition Exhibit No. 43.)
BY MR. DAVIS:
Q. Dr. McCarthy, when did you last see this document?
A. Oh, I don't recall.
Q. If you take a look, there seems to be a calendar, maybe an electronic calendar entry and then an agenda for a meeting scheduled for Monday the 12th of March 2001. Do you see that?
A. Yes.
Q. Did you see -- have you seen this document?
A. I think I might have seen it yesterday.

Q. Who was Paul Andrews, Ph.D.?
A. If I remember, he is a researcher who is an expert on gastrointestinal disease, in particular with respect to animal models of emesis.
Q. Now, is this a meeting that you scheduled?
A. I can't remember. I can't remember if I did or the discovery folks did.
Q. It says on the first page that:

> Paul Andrews, Ph.D. will be joining us for a discussion of ABT-594's tolerability issues, especially the emetic liability.
>
> Do you recall this discussion?

A. I do recall the discussion, that it occurred, yes.
Q. Did Abbott invite Dr. Andrews to come to talk about 594?
A. No.
Q. How did it come about that a meeting was scheduled in which Dr. Andrews would speak on ABT-594's tolerability issues?
A. We invited Dr. Andrews to talk about animal models of emesis, and I don't recall if we sent him any information on 594 or what we asked him

to do to comment on 594 at this point.

Q. Would you look at the agenda on the next page. It's titled -- underneath the date it says ABT-594 discussion, and it lists you among the attendees. Do you see that?

A. Yes.

Q. And the first area, subject area is ABT-594 review, preclinical data and clinical data. Do you see that?

A. Yes.

Q. And from 10:00 to 11:00 a.m. was scheduled a presentation from Dr. Andrews regarding the mechanisms of ABT-594 induced emesis?

A. Yes.

Q. Does this refresh your recollection on whether Dr. Andrews was asked to come and comment on mechanisms of ABT-594 induced emesis?

A. It doesn't, because my recollection is that Dr. Andrews talked about mechanisms of emesis in general, and I don't remember -- certainly I remember the meeting. I remember, as this agenda suggests, that there was a preface component where 594 was discussed, and given Dr. Andrew's focus on preclinical models, it was predominantly Mike Meyer, but I remember just

dimly that Dr. Andrews predominantly talked about pathways of emesis in preclinical models more than anything.

Q. Would it be fair to say that your interest and Abbott's interest in speaking to Dr. Andrews at that point in time was focused on 594?

MR. PHILLIPS: Objection.

THE WITNESS: No.

BY MR. DAVIS:

Q. So all the references here to ABT-594 discussion and ABT-594 review and mechanisms of ABT-594 induced emesis, that doesn't mean that the interest in this meeting was focused on 594?

A. That's correct.

MR. PHILLIPS: Objection. The skepticism in your voice and your expression, Counsel, is not particularly appreciated and I think is inappropriate.

MR. DAVIS: Do not at any point in time correct me with respect to the tone of my voice or skepticism expressed in my questions. That is not your place, Counselor. That is not an appropriate objection. Don't make them.

MR. PHILLIPS: Don't lecture me, Mr. Davis. I told you that yesterday, and I'll tell

you that again today.

MR. DAVIS: Mr. Phillips, that was called for, you got exactly what you deserve; please do not instruct me on how to run my deposition.

MR. PHILLIPS: Okay. Don't instruct me as to what objections to make or what comments to make, Mr. Davis. My comment stands on the record.

MR. DAVIS: You know that that objection is inappropriate. Don't make them.

MR. PHILLIPS: I do not know that.

BY MR. DAVIS:

Q. Did this particular meeting have anything to do with 594?

A. I'm sure 594 was discussed.

Q. Was it focused in any way on 594?

A. My recollection is that it was less focused on 594 and more focused on preclinical models that could be used to further understand emetic liability with NNRs.

Q. Did you -- at the point in time that this meeting was scheduled, did you have a belief that there was a need to investigate further tolerability issues, particularly emesis issues,

pertaining to 594?

A. Yes.

Q. Why?

A. Because since 1997 we knew that 594 was associated with nausea, vomiting and dizziness.

Q. Had you seen anything in the preliminary results of the 114 study as of early March 2001 that led you to believe that 594 did not have continued tolerability issues?

A. To my knowledge, there were no preliminary results from 114. There was only the results -- the final results.

Q. Had you seen anything in the adverse event data or the premature termination data from the 114 study prior to this meeting that led you to believe that 594 did not continue to suffer from tolerability issues?

MR. PHILLIPS: Objection.

THE WITNESS: No.

BY MR. DAVIS:

Q. Did you see anything in that data that you thought tended to confirm or tended to demonstrate more likely than not that 594 continued to have tolerability issues?

MR. PHILLIPS: Objection.

THE WITNESS: No.

BY MR. DAVIS:

Q. You didn't draw any conclusions one way or the other from the number of adverse events involving nausea and vomiting in that trial before the data was unblinded?

A. I did not.

Q. And did the data that you had received regarding adverse events and premature terminations from the 114 trial prior to March 12, 2001 play any role in Abbott's decision to speak to Dr. Andrews about emetic liability associated with 594 or NNRs?

A. Not that I was aware of.

Q. Who specifically made the arrangements for the meeting with Dr. Andrews?

A. I don't know. I believe Marleen Verlinden knew Paul Andrews, because Marleen's drug development experience had been predominantly in disorders of reflux from her time at Janssen, so she had an extensive network of relationships, and so it was likely -- I believe she knew Dr. Andrews personally and was likely the one who set it up. I don't have a specific recollection that I did.

Q. Did Dr. Andrews actually make a presentation

during the course of this meeting?
A. Yes.
Q. Did he use slides?
A. I believe so.
Q. Did he give copies of those slides to anyone at Abbott?
A. I don't remember.
Q. Where did this meeting take place?
A. I have the distinct recollection that it happened in AP34 in a room facing south on maybe the third or fourth floor in a conference room. Oddly, I can almost remember it.
Q. And was the presentation made by Dr. Andrews -- was it a PowerPoint presentation?
A. I don't remember.
Q. Were there handouts?
A. I don't remember.
Q. Was the presentation recorded in any way?
A. No.
Q. Did anybody participate in the presentation via telephone or via some other electronic link?
A. Not that I remember.
Q. What do you recall Dr. Andrews had to say in the course of the presentation about mechanisms of ABT-594 induced emesis?

MR. PHILLIPS: Objection.

THE WITNESS: I don't remember. I remember -- the part that I remember is being moderately lost in his description, which seemed relatively generic, to pathways of emesis preclinically, and not particularly helpful or specific to NNRs.

(Marked for identification Deposition Exhibit No. 44.)

BY MR. DAVIS:

Q. Dr. McCarthy, you have what's been marked as Exhibit 44. I'd ask you to look at the document and tell me if you've seen it before.

A. Not this one, to my recollection.

Q. It appears to be an e-mail from Ms. Kowaluk to you, among others, dated March 27th, 2001 concerning the ABT-594 pain DSG core team. The fourth paragraph down of the e-mail says:

> We will be taking a brief hiatus from the DSG analysis for about a month while some members of the team participate in pulling together a review for the R&D strategy off-site called by Jeff Leiden for the first week of May.

Exhibit F

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY and MANULIFE INSURANCE COMPANY (f/k/a INVESTORS PARTNER INSURANCE COMPANY), Plaintiffs, -vs- ABBOTT LABORATORIES, Defendant.	)	Civil Action No. 05-11150-DPW

ORIGINAL

THE VIDEOTAPED DEPOSITION OF

MICHAEL DAVID MEYER

January 23, 2007

THE VIDEOGRAPHER: Good morning. We are going on the video record at 9:07 a.m.

My name is Joe Elsey. I am a legal videographer with Esquire Deposition Services. Our address is 155 North Wacker Drive, Chicago, Illinois. The Court Reporter today is Corey Marut of Esquire Deposition Services.

Here begins the videotaped deposition of Michael Meyer, taking place in Chicago, Illinois.

Today's date is January 23, 2007.

This deposition is being taken in the matter of John Hancock Life Insurance Company, et al., vs. Abbott Laboratories.

Will counsel please state their names for the record.

MR. DAVIS: I'm Brian Davis from Choate Hall & Stewart in Boston, representing John Hancock and the other Plaintiffs.

MS. GÜZELSU: Özge Güzelsu from Munger, Tolles & Olson in Los Angeles representing Abbott Laboratories.

THE VIDEOGRAPHER: Will the reporter now swear in the witness, please.

(WHEREUPON, the witness was duly sworn.)

MICHAEL DAVID MEYER,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. DAVIS:

Q. Good morning, Dr. Meyer.

A. Good morning.

Q. And my name is Brian Davis. I'm going to be asking you a series of questions here today. If at any point in time you don't understand any of my question, please just say so and I will try to give you a clear question. Is that fair?

A. Okay.

Q. In addition, as we go through the deposition, you will need to verbalize your responses. The Court Reporter cannot record head shakes or the like. Do you understand that?

A. Yes.

Q. And if at any point in time you'd like to take a break, please me know and I'll try to accommodate you as soon as I can after that. This is not intended to be a torture test. Do you

Q. Was it one of the key issues of concern that's referenced in Ms. Kowaluk's e-mail dated 3/8/01?

MS. GÜZELSU: Objection.

BY THE WITNESS:

A. I believe it was.

MR. DAVIS: Mark this as the next exhibit, please.

(WHEREUPON, a certain document was marked Meyer Deposition Exhibit No. 19, for identification, as of 01-23-2007.)

BY MR. DAVIS:

Q. Dr. Meyer, you have what's been marked as Exhibit 19 at your deposition. Ask you to take a look at this document for a moment and tell me if you've seen it before.

A. I believe I have.

Q. This is a notice of a meeting or a presentation to be made by Dr. Paul Andrews from the department of physiology at St. George's Hospital Medical School in London to various people at Abbott on March 12, 2001, is that right?

A. Yes.

Q. Did you actually attend this meeting and presentation?

A. Yes, I did.

Q. Did you meet Dr. Andrews?

A. Yes.

Q. Did this meeting with Dr. Andrews relate in any way to the work of the ABT-594 pain DSG core team?

A. I don't think there was any direct relationship one to the other.

Q. Did you expect that the information obtained in the course of this meeting with Dr. Andrews would be utilized by the ABT-594 pain DSG core team in doing its work?

MS. GÜZELSU: Objection.

BY THE WITNESS:

A. As I recall, Dr. Andrews was brought in as an expert in mechanisms of nausea and emesis to provide information to the team that we hoped would be helpful in helping us understand nausea and emesis as it associates to nicotinics.

BY MR. DAVIS:

Q. Including ABT-594?

A. Including ABT-594.

Q. Was any information or data provided to Dr. Andrews before this meeting for him to review in preparation for the meeting?

MS. GÜZELSU: Objection.

BY THE WITNESS:

A. Not that I know of.

BY MR. DAVIS:

Q. You don't recall participating in any effort to collect data to provide to Dr. Andrews in advance of the meeting?

MS. GÜZELSU: Objection.

BY THE WITNESS:

A. Not in advance of the meeting.

BY MR. DAVIS:

Q. When you met Dr. Andrews at this meeting had he reviewed, to your knowledge, any information about ABT-594 before the meeting took place?

MS. GÜZELSU: Objection.

BY THE WITNESS:

A. I don't know whether he had. To the best of my knowledge, we presented at the meeting data to him regarding ABT-594.

BY MR. DAVIS:

Q. Had you met Dr. Andrews prior to this

meeting back in March of 2001?

A. No, I don't think so.

Q. Have you met him since?

A. No.

Q. The second page of Exhibit 19 has a meeting agenda for that March 12th meeting. Do you see that?

A. Yes.

Q. The meeting occurred at Abbott's offices, correct?

A. Yes.

Q. Here in the United States, correct?

A. Yes.

Q. The agenda indicates that it started at 8:30 a.m. between 8:30 a.m. and 9:45 a.m. with an ABT-594 review including preclinical data and clinical data. Do you see that?

A. Yes.

Q. You made a presentation regarding the preclinical data, is that right?

A. Yes.

Q. And Dr. McCarthy made the presentation regarding the clinical data on 594, is that right?

A. Yes.

Q. Did Dr. McCarthy's presentation regarding ABT-594 clinical data include any information or preliminary information obtained from the 114 trial?

MS. GÜZELSU: Objection.

BY THE WITNESS:

A. I don't remember.

BY MR. DAVIS:

Q. Do you recall whether the presentation that Dr. McCarthy made to Dr. Andrews and others at this March 12 meeting included PowerPoint slides?

A. I think it did.

Q. Did you retain a set of those slides?

A. I may have the slides that I presented. I'm pretty certain that I don't have any slides from Dr. McCarthy.

Q. Did you work on a joint presentation?

A. No, I believe they were separate.

Q. Do you recall whether there was any discussion in the course of this meeting with Dr. Andrews and others concerning the preliminary results on the 114 trial?

A. I don't recall.

MR. DAVIS: Let's mark this as the next

exhibit, please.

(WHEREUPON, a certain document was marked Meyer Deposition Exhibit No. 20, for identification, as of 01-23-2007.)

BY MR. DAVIS:

Q. Dr. Meyer, you have what's been marked as Exhibit 20 at your deposition. Ask you to look at this document for a moment and tell me if you have seen it before.

A. Yes, I have seen this before.

Q. When did you first see this document?

A. I can't remember whether I may have seen it a day or two before this 23rd meeting or whether this was the first time I saw it on the 23rd.

Q. Do you recall learning at some point in time that the results of the 114 study had been unblinded?

A. I -- yes.

Q. How did you learn that the results had been unblinded?

A. I don't recall. I think my boss probably told me.

Q. And how does it work within Abbott? Do

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY, and MANULIFE INSURANCE COMPANY (f/k/a INVESTORS PARTNER LIFE INSURANCE COMPANY),	)	CIVIL ACTION NO. 05-11150-DPW
Plaintiffs,	)	
v.	)	
ABBOTT LABORATORIES,	)	
Defendant.	)	

AFFIDAVIT OF RICHARD C. ABATI

I, Richard C. Abati, on oath, depose and say as follows:

1. I am an attorney with Choate, Hall & Stewart LLP ("Choate"), counsel for Plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and ManuLife Insurance Company (f/k/a "Investors Partner Life Insurance Company") (collectively, "John Hancock").

2. I am duly admitted to practice law in Massachusetts.

3. I, along with other attorneys at Choate, represent John Hancock in the above-captioned matter. The following statements are made with my personal knowledge and if sworn as a witness I could and would testify competently thereto.

4. Attached as Exhibit A hereto is a true and accurate copy of a document produced by Abbott, and bearing Bates number ABBT163932.

5. Attached as Exhibit B hereto is a true and accurate copy of a document produced by Abbott, and bearing Bates number ABBT556316-20.

6. Attached as Exhibit C hereto is a true and accurate copy of a document produced by Abbott, and bearing Bates number ABBT163996-97.

7. Attached as Exhibit D hereto is a true and accurate copy of a document produced by Abbott, and bearing Bates number ABBT163931.

8. Attached as Exhibit E hereto is a true and accurate copy of excerpts from the Deposition Transcript of Dr. Bruce McCarthy at 1,6, 218-226.

9. Attached as Exhibit F hereto is a true and accurate copy of excerpts from the Deposition Transcript of Michael Meyer at 1,4, 183-188.

Signed under the pains and penalties of perjury this 2nd day of March, 2007, in Boston, Massachusetts.

/s/ *Richard C. Abati*
Richard C. Abati

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document and attached exhibits were served by electronic and overnight mail upon Peter E. Gelhaar, Esq., Donnelly, Conroy & Gelhaar, LLP, One Beacon Street, 33rd Floor, Boston, MA 02108, and Gregory D. Phillips, Esq., Munger, Tolles & Olson LLP, 355 South Grand Avenue, Los Angeles, CA 90071, on this 2nd day of March, 2007.

/s/ Richard C. Abati
Richard C. Abati

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LOCAL RULE 7.1 CERTIFICATION

I, Karen Collari Troake, hereby certify that attorneys for John Hancock have conferred with opposing counsel before filing this Motion in an effort to resolve or narrow the issues presented.

/s/ Karen C. Troake
Karen Collari Troake